

32



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/858,360	05/16/2001	Joseph A. Manico	82171SLP	3327

7590 07/10/2006
 Thomas H. Close
 Patent Legal Staff
 Eastman Kodak Company
 343 State Street
 Rochester, NY 14650-2201

EXAMINER

BAKER, CHARLOTTE M

ART UNIT	PAPER NUMBER
----------	--------------

2625

DATE MAILED: 07/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/858,360

Applicant(s)

MANICO ET AL.

Examiner

Charlotte M. Baker

Art Unit

2625

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 June 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See attached.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

With regard to Applicant's argument that Vallmajo et al. do not disclose a kiosk network, Examiner respectfully traverses. Attention is drawn to Applicant's Figs. 1-3. Fig. 1 shows 5 "kiosks" (10, 12, 14, 16 and 18) that are connected by server 22. According to the Specification (p. 4-5), a kiosk consists of screen 30, image capture device 34, printer 36, computer 37, card slot 38 and scanner 32. Examiner interprets these components to be computer system components; therefore a computer connected in a network to a server can be a kiosk that is network connected. Vallmajo et al. disclose a kiosk connected to a network. Since this kiosk is network accessible, it is inherent that other kiosks could share the same network.

With regard to Applicant's assertion that Vallmajo et al. do not teach storing an image in memory, Examiner respectfully traverses. Attention is drawn to Vallmajo et al. Fig. 4 and col. 27, ln. 13-31 where "the memory 420 may be used to store program code 422...and images 424 that have been scanned using scanner 12." It is clear also from Fig. 4 that the images are network accessible via communication device 450 and the processing system 400 as a whole. Please note correction to Applicant's statement that Examiner points to col. 27, lines 25-28 (Applicant's remarks, p. 2, 2nd full par.). Examiner actually points to (col. 27, ln. 14-31 and Fig. 4, communications device 450 and memory 420), which clearly shows that the image is stored in memory.

With regard to Applicant's assertion that Vallmajo et al. fail to teach generating an identifier, providing the identifier to a recipient, using the identifier to access an image, or using the image, Examiner respectfully traverses. Vallmajo et al. is not relied

upon for generating an identifier, providing the identifier to a recipient, using the identifier to access an image, or using the image. Vallmajo is relied upon for a network of kiosks, storing an image, and generating a product at any kiosk. Vallmajo et al. disclose (col. 4, ln. 52-57) that hard copies can be made (generating a product) and again discloses that the photo kiosk may operate within a computer network (at any kiosk).

With regard to Applicant's remarks that Meyer et al. do not teach a kiosk connected to any other kiosk, or that the image product can be generated at the kiosk, Meyer et al. was not relied upon for these limitations. Meyer et al. was relied upon for generating an identifier, providing the identifier to a recipient, using the identifier to access an image, or using the image. Meyer et al. disclose "providing identifying information about the digital images" (par. 21) [generating an identifier and providing the identifier to a recipient]; "The code number would make it easier and more secure for the customer to access the stored images from the remote site" (par. 21) [using the identifier to access an image]; and using the retrieved image (accessing the stored images from the remote site, par. 21) [using the image]. It is the combination of Vallmajo et al. in view of Meyer et al. that teach the claimed invention.

With regard to Applicant's remarks that Redd et al. do not disclose printing a postcard with a recipient's name and address, or sending the postcard to the recipient, Examiner respectfully traverses. Redd et al. disclose a postcard (Fig. 7, destination identifier print 900), which includes the recipient's name and address. Although the "postcard" is used as an address label for image products, it is still a postcard according

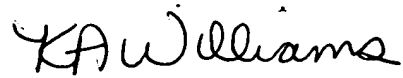
to the claim limitations. In addition, the “postcard” is sent to that address whether it is attached to the package of image products or not.

With regard to Applicant’s remarks that Redd et al. do not disclose sending a first postcard to a first recipient, having the first recipient enter an image, sending a second postcard with an image identifier to a second recipient, and having the second recipient generate an image product using the information on the postcard, all such generation of postcards and images being performed at networked kiosk. The remarks regarding the postcard are previously addressed. Also, Redd et al. was not relied upon for the teaching of networked kiosks although Redd et al. do make mention of a kiosk over a network (col. 13, ln. 9-22). In addition, Redd et al. disclose that there can be more than one person designated to have prints sent to (col. 11, ln. 18-37); therefore, the number of “postcards” generated is equal to the number of recipients designated (see Redd et al., col. 11, ln. 18-37). In addition, each of the “postcards” will be sent with their respective image product packages (col. 16, ln. 63 through col. 17, ln. 39). As seen in Fig. 7 of Redd et al., the information for ordering prints can be done via a web site (908), or bar code (910); therefore, the items can be printed at a “kiosk”.

With regard to Applicant’s remarks that Liebenow does not teach a network of connected kiosk, or generating an image product at one of the networked kiosks; Liebenow is not relied upon for these limitations and is relied upon for the teaching of sending a telephonic message (pre-recorded message, p. 4, par. 31). This limitation is not disputed by Applicant.

09/858,360

In conclusion, the combination of Vallmajo et al., Meyer et al., Redd et al and Liebenow disclose the claimed invention.

A handwritten signature in black ink, appearing to read "KAWilliams". The signature is written in a cursive, flowing style.

**KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER**